

☞ **01hr_AC-CC_ab0197_pt01**



(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2001-02

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Corrections and Courts (AC-CC)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

Appearances for Information Only

- Secretary Jon E. Litscher, Department of Corrections

Registrations for

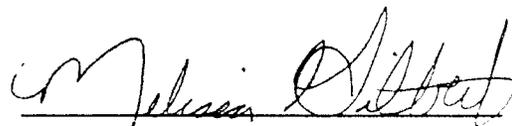
- Rep. Jim Kreuser, 64th Assembly District
- Peter DeSantis, Marathon County
- Patrick Brown, Jefferson County Sheriff's Department
- Undersheriff James Hanson, Vernon County
- Sheriff Brad Hill, Iowa County
- Sheriff Robert A. Nelson, Grant County
- Blaine Lauersdorf, Dodge County
- Dave Krahn, Waukesha County
- Phil Boutwell, Rock County
- Roseann Rossing, Iowa County Sheriff's Department
- Sheriff Michael Handel, Green Lake County
- Wyndham F. Gary, Green Lake County
- Bernard J. Statz, Sauk County Sheriff's Department
- Michael D. Giese, Waukesha County Sheriff's Department
- Dan Finley, Waukesha County
- R.A. Schmidt, Shawano County Sheriff's Department
- Sheriff Larry Zarletti, Kenosha County

Registrations against

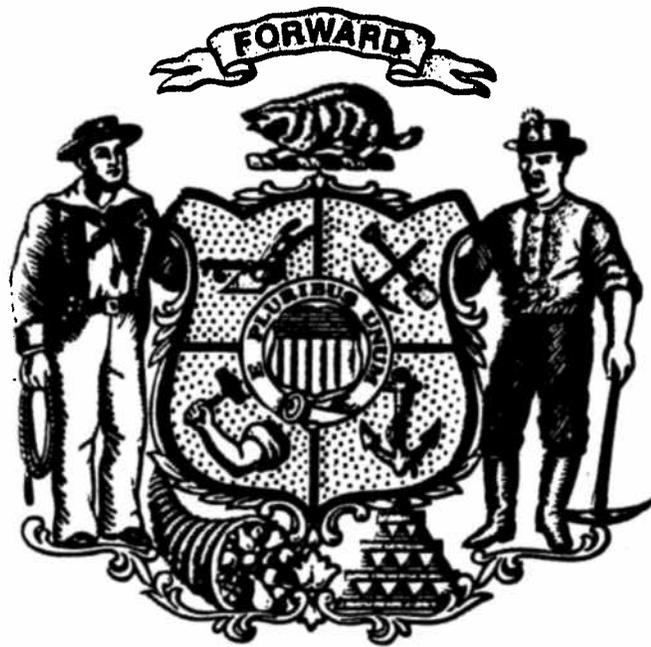
- None

March 14, 2002

Failed to pass pursuant to Senate Joint Resolution 1.



Melissa Gilbert
Committee Clerk





Juneau County Sheriff's Office

220 East State Street • Mauston, WI 53948 • (608)847-5649 • Fax: (608)847-9401

BRENT H. OLESON, SHERIFF • OMAR T. STAVLO, UNDERSHERIFF

Date: April 17, 2001

To: Assembly Committee on Corrections and the Courts.

Re: Impact of Probation and Parole inmates.

AB 197
folder

Honorable Assembly Members:

As a new Sheriff's I looked for ways to reduce our jail costs. Juneau County has a jail that holds 29 inmates and at times has over 70 inmates incarcerated. I noticed a large cost associated with our jail was the cost associated with housing felony probation and parole inmates, who - by statute are Department of Corrections (DOC), inmates. Every other county I questioned had the same concerns I had. After several meetings we recommended four changes to our legislatures:

- 1) Increase daily bed cost for probation and parole inmates from \$40 per day to \$60 dollars per day. Currently Juneau County has to hold all State Probation and Parole inmates in Adams County. Adams County charges \$55 dollars per day. This doesn't include transport costs which averages just over \$50 per trip. Last week Thursday when I was advised of this hearing we had six reimbursable probation and parole inmates incarcerated in Adams County. If we average six per day per year it would total 2190 bed days for a maximum reimbursable cost of \$87,600.00 using the \$40.00 per day figure. It would cost Juneau County a total of \$120,450.00 excluding transport costs for a minimum cost to the Juneau County taxpayer of \$32,850.00. Juneau County is not responsible for these inmates yet this is the minimum it is going to cost our county if we remain at six probation and parole inmates all year per day. This is a great financial burden on our county. The \$40 fee set in 1993 was increased from \$36.00 per day the previous year. It has not increased since.
- 2) The pro-ration allowed for the State under Statute 302.33(2)(3) be rescinded and payment be mandated. It is uncommon for the State to reimburse counties at the end of the fiscal year for the full \$40.00 per inmate day as required by Statute. The first request is meaningless if pro-ration is allowed.

- 3) Require DOC to pay for all felony probation and parole inmate's medical expenses. Last year Juneau County expended \$62,162.00 on medical expenses. This amounted to an average of \$3.50 per inmate day. $\$3.50 \times 679$ (total number of reimbursable days the state advised us we had) = \$2,376.50. This is the amount paid by Juneau County paid for inmates in the custody of the State.
- 4) Require that counties receive payment for probation and parole inmates after the inmate 1) has been before a judge for the purpose of bond and 2) is given a signature bond or a cash bond of not more than \$500.00. Currently DOC probation and parole inmates refuse to sign a signature bond because in a majority of counties they receive two days for every one served when there is a probation hold as well as another charge pending.

On page 546 of your 1999-2000 Blue Book you'll find a summary of the case "The Department of Corrections v. Kliesmet." This case dealt with probation and parole inmates. The Wisconsin Supreme Court determined in this case that a sheriff had the authority to refuse to accept State prisoners in the county jail. The court delayed the effective date of this decision for one year to give DOC a chance to address the matter with the legislature.

No sheriff that I know of wants to refuse these inmates and in essence put them back on the street before their debt to society has been paid. However, the fact of the matter is due to the financial burden some counties will soon be forced to do just that.

In closing I ask that this committee consider these proposed changes. All that we are asking for is what the legislature intended – that being the State paying for their inmates.

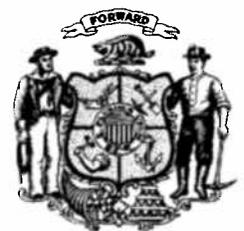
Respectfully,

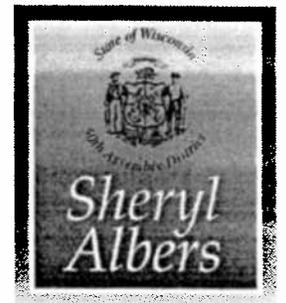


Brent H. Oleson
Juneau County Sheriff



WISCONSIN STATE LEGISLATURE





2001 Assembly Bill 197 – Probation and Parole Hold Payments

Testimony of State Representative Sheryl K. Albers Before the Assembly Committee on Corrections April 18, 2001

Sheriff Brent Oleson from Juneau County contacted my office last summer with concerns over the state's current reimbursement policy for holding state parolees and probationers in county jails. It was my pleasure to work with Senator Dave Hansen in order to put together AB 197, which addresses the current unfairness in the system.

Under normal circumstances, when an individual is charged with a crime, he or she will be released on a signature or cash bond pending a trial or plea bargain. However, if the individual is already on probation, parole or extended supervision for a previous felony conviction, the Department of Corrections may place the individual on a "hold" – in other words, put them in a county or tribal jail due to a violation of the conditions of their probation or parole. Even though the department's hold is the only reason the individual remains in jail, current law does not allow the department to reimburse the counties or tribes for the costs associated with housing them on this hold.

Of course, not all holds are due to the probationer or parolee committing a new crime. Often, they may just violate the conditions of their release into the community based on a judge's order or the rules set forth by the probation and parole agent. Under these circumstances, the department is required pay. However, the current statutory rate is only \$40 per day, less than the average cost to house felony holds for the state. Even worse, the statutes require the department to reduce the daily rate if the Legislature fails to provide enough funding to the department – and we regularly fail. Currently, the state is paying \$37 per day.

This just doesn't pass the common sense test. It's akin to an entire community contracting with a lawn care company to mow all of the lawns in area, setting a rate for each service call, allowing homeowners the right to demand and get service whenever they want it, and then – at the end of the summer – taking a pre-budgeted amount of money and pro-rating the price paid per service based on how much money is available. No company in its right mind would make such a deal, but the Legislature requires counties to pay for something they have absolutely no control over.

If the low payments for housing probationers and parolees isn't enough to ask county taxpayers to bear, the state goes one step further to increase the penalty for housing these individuals – it doesn't provide any extra money to cover the medical costs incurred by a county due an injury or illness of an individual placed on a hold. If expensive medical care is needed, the county just has to absorb those costs.

These three areas – the “new crimes” holds, the low and pro-rated daily rate, and the medical costs – all constitute an unfair burden this state policy puts on our counties. To alleviate them, Senator Hansen and I introduced AB 197, which requires the Department of Corrections to provide reimbursement to counties when a person is placed on a hold for a criminal violation if the judge has released the person on a bond. Likewise, it increases the daily rate for housing individuals from \$40 to \$60, and eliminates the ridiculous pro-rating scheme we created. Finally, it requires the department to cover the medical costs of those placed on a hold.

I want to make it clear that the department is not responsible for the current problem, and I want to publicly thank Secretary Litscher for being here today to provide information to the committee. Ultimately, this is an issue for us in the Legislature – only we can change the law to allow the department to provide reasonable payments.

Just two final notes: First, AB 197 only applies to reimbursement for the costs associated with housing convicted felons placed on a hold. Neither current law, nor AB 197, covers misdemeanants. Second, the fiscal estimate of over \$27 million for AB 197 demonstrates the great burden the current system places on our counties. We will need to find ways to bring down

the cost of the bill given current revenue projections; nonetheless, this is an issue we should seriously consider and deal with in the upcoming months.

Ultimately, the current state policy is nothing more than a property tax on all of our state residents. Counties don't have a magical pot of gold from which to pull additional revenues in order to house these state holds. If we fail to address this issue, we will allow the property taxpayers to bear a burden that should be borne through the general purpose revenue system. I thank you, Mr. Chairman, and all of the members of the committee, for considering AB 197, and hope that you will join with Senator Hansen and me to support this legislation.

END



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

**SCOTT McCALLUM
GOVERNOR**

**GEORGE LIGHTBOURN
SECRETARY**

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: March 23, 2001

To: Representative Sheryl Albers
127 West Capitol

From: Richard G. Chandler
State Budget Director

John Montgomery (for)

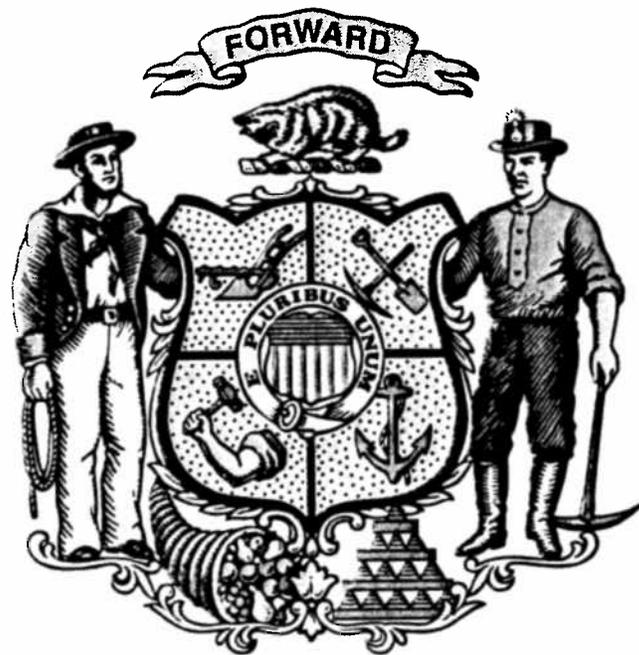
Subject: Budget Summary Question Regarding Probation and Parole Holds

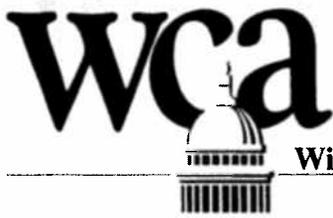
You recently asked about changes in the Governor's budget concerning the Department of Corrections' reimbursement to counties for probation and parole holds, LFB Summary Item #3 on p. 206.

DOC's budget authority for reimbursement to counties for probation and parole holds is \$4,019,800 GPR in each year of the current biennium, as well as the upcoming FY01-03 biennium. No changes were made to the program in the budget. Payments for one fiscal year are made in October following that fiscal year. Thus reimbursement for FY00 was paid this past October in FY01. Current statutes require DOC to prorate the payments for any fiscal year in which the department does not have sufficient funds to pay the full \$40/day authorized by statute. The following table indicates the holds and rates paid for the past four fiscal years.

Fiscal Year	# of Holds	# of Hold Days	Average # of Hold Days	Rate/Day
1997	6,564	94,932	14.50	\$40.00
1998	7,023	103,150	14.69	\$38.97
1999	5,944	93,316	15.70	\$40.00
2000	6,079	107,775	17.73	\$37.29

cc: Members, Joint Committee on Finance
Bob Lang, Legislative Fiscal Bureau





MEMORANDUM

TO: Honorable Members of the Assembly Committee on Corrections and the Courts

FROM: Sarah Diedrick-Kasdorf, Legislative Associate 

DATE: April 18, 2001

SUBJECT: Support for Assembly Bill 197

The Wisconsin Counties Association (WCA) strongly supports Assembly Bill 197 which requires the Department of Corrections (DOC) to pay for the maintenance and health care of a person, in a county or tribal facility, who has a pending criminal charge if DOC places a hold on the offender because he or she has violated a condition of supervision and a judge has ordered the offender released on a signature or cash bond of not more than \$500; requires DOC to pay health care costs of all probation and parole holds; increases the amount that DOC must pay to \$60 per person per day for maintenance costs beginning on January 1, 2002, and removes the requirement that DOC prorate the payments if funding is insufficient; and requires DOC to adjust the \$60 amount annually to reflect changes in the consumer price index.

Increase Daily Reimbursement to \$60 / Elimination of Proration

Since January 1, 1993, state statutes have called for a \$40 per day reimbursement to counties for holding probation and parole violators in county jails. While \$40 per day may have been sufficient to cover costs in 1993, it is insufficient today. The state of Wisconsin pays several counties at the rate of \$60 per day to hold state prisoners in county jails. It costs counties the same amount of money to hold a violator of probation or parole (VOP) as it does to hold a state prisoner.

Many counties, when receiving a probation or parole hold, need to transport an inmate out-of-county to make room for a VOP. The intake jail will receive \$40 per day for holding the VOP (if proration does not occur) but will be forced to pay a neighboring county \$60 per day to hold its inmate, plus the cost of transportation (mileage plus deputy costs). While the Kliesmet decision allows county jails to refuse to accept probation and parole holds, many counties have encountered difficulty in doing so.

On numerous occasions, counties have received less than \$40 per day for holding VOPs. For the period July 1, 1999 – June 30, 2000, counties received only \$37 per day, well below actual costs.

Health Care Costs

As is occurring in the private sector, health care costs for jail inmates continue to rise on an annual basis. Counties are required to pay health care costs for inmates in the county jail if the care is provided in the jail. If medical care is rendered outside of the jail, counties pay only if the inmate is unable to pay (which is most of the time). VOPs are a state responsibility, not a county responsibility. As such, the state of Wisconsin ought to reimburse counties for medical expenses incurred by VOPs in county jails.

Reimbursement for New Category of Violators

Counties oftentimes are at odds with the DOC over the way they count probation and parole hold days. DOC only reimburses counties if the sole reason for their detainment is a violation of a condition of their probation or parole. If an individual under the supervision of probation or parole is arrested, the probation or parole agent is contacted. The agent, in most instances, places a hold on the individual. When this individual has their initial appearance before the judge or court commissioner, the individual is released. However, because a hold was placed on the person, they remain in the county jail. The only reason the person is incarcerated is because of a departmental hold, yet DOC does not count that as a reimbursable day.

Fiscal Estimate

The Department of Corrections has estimated that the cost of the bill is approximately \$27 million. This fiscal estimate is a good example of what the true burden is on county government for holding VOPs on behalf of the state. However, it is important to note that 1) as new probation and parole facilities open across the state, the fiscal estimate will significantly decrease; and 2) the fiscal estimate prepared by the state represents a "worst case scenario".

The cost to property taxpayers will significantly increase if something is not done to relieve this burden on counties (FY 99 - 93,316 billable days, FY 00 - 107,775 billable days). WCA respectfully requests your support for Assembly Bill 197.

Thank you for considering our comments.



Committee on Corrections and the Courts
April 18, 2001
Gary H. Hamblin
Dane County Sheriff
Testimony in Support of AB 197

Good morning!

Mr. Chairman, Members of the Committee thank you for listening to us this morning. My name is Gary Hamblin. I am the Sheriff of Dane County and a member of the Badger State Sheriff's Association. I am here to testify in support of Assembly Bill 197.

Assembly Bill 197 addresses several issues that have been a concern for Sheriffs, in their role as managers of county jails, issues that have also been of concern to county governments. Those issues relate specifically to the cost of holding, in county jails, violators of probation, parole, or extended supervision, who have been sentenced to the custody of the State Department of Corrections.

Currently, counties receive reimbursement at the rate of \$40.00 per person per day for those inmates who qualify for reimbursement, subject to sufficient available funding. AB197 raises that reimbursement rate to \$60.00 per person per day, and provides for an annual adjustment to keep pace with increased costs.

Today, \$40 simply does not cover the cost of holding an inmate for a day. In 1998, the U.S. Department of Justice conducted an audit of the cost of housing an inmate in the Dane County Jail. The audit which was based on costs for our 1997 Fiscal year concluded that the cost of housing an inmate in the Dane County Jail, based on 1997 prices, salary schedules and related expenses was \$55.82 per day.—Those were 1997 costs. Today's costs are over \$60/day.

Last Friday, because of overcrowding, Dane County sent 14 inmates from our jail to Dodge County, where we must pay \$60/inmate per day for housing. The Dept. of Corrections, itself, when contracting with a county to house state inmates, pays \$60/inmate/day. Essentially, everyone apparently agrees that the daily cost of housing an inmate is \$60.00.

On Friday, the same day we began paying Dodge County \$60/day for each inmate we housed there, we had 133 felons being held on probation or parole holds in the Dane County Jail. At most, we will receive \$40/inmate/day for those holds. For Dane County, that means it is costing local taxpayers approximately \$2,660 per day to house inmates who are supposed to be in the custody of the State Department of Corrections. And of course, that assumes there is sufficient funding available to reimburse at the \$40.00 rate, an assumption that is not guaranteed. In the last state fiscal year, we only received \$37.29/inmate/day.

On average, 10-11 % of our daily population consists of felons being confined solely because of probation or parole holds. Last Friday, such inmates made up almost 12% of our population.

Currently, the Department of Corrections is not required to pay any reimbursement at all if a defendant has a pending criminal charge in addition to the hold or is confined because of conduct which may "constitute a criminal offense." On the surface, this seems reasonable. However, often many of those charges are never issued or are very minor and if it were not for the hold, the defendant would have been released on a signature bond. Charges never issued include such violations as possession of THC, when the only evidence is a failed urinalysis drug screen. There are very few, if any, district attorneys in Wisconsin who have the time to issue a charge based on such evidence. On other charges, even though the

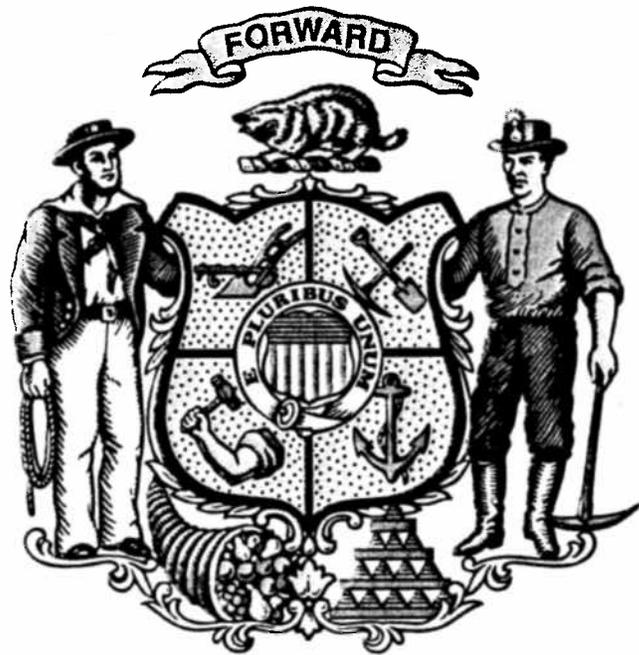
defendant could make bond, they remain in the county jail solely because of the hold, but without any reimbursement from the Department of Corrections, in whose custody they have been placed. AB197 will provide reimbursement in those cases where a defendant would have been released, except for the State hold.

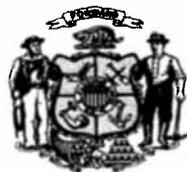
Finally, AB197 would provide reimbursement to counties for medical costs associated with inmates being held on a probation or parole hold. Currently there is no reimbursement for medical costs. In Dane County we are fortunate to have medical staff on duty in our jail/24 hours a day, seven days a week, so outside medical costs are kept down. Nevertheless, so far this fiscal year, we have incurred over \$30,000 in medical costs relating to just two inmates being held on probation or parole holds. For smaller counties, without medical staff, one such bill could destroy a sheriff's annual budget. AB197 would eliminate that risk.

Some would say that requiring counties to assume part of the cost of inmates who have been sentenced to the custody of the State Department of Corrections is just another unfunded state mandate that local taxpayers will have to absorb. However, in this case, some counties have another option. In many counties like Dane, where the jail is already overcrowded, the Sheriff can refuse to accept probation and parole violators. If that happens, the State will have to find and pay for some other facility in which to hold its inmates and in all likelihood incur the full cost of housing plus transportation and related costs.

Sheriffs recognize that the Department of Corrections and probation and parole are key components of the criminal justice system. However, it is impossible to rationally explain to a constituent that I have to pay \$60/day/inmate to hold prisoners in another county jail, when I'm only getting paid, at most, \$40/day to hold someone else's prisoners in my jail. AB197 addresses some of these

inequities. I urge you to work for the passage of this bill, so that we can all work together to ensure that our criminal justice system continues to function effectively.





Scott McCallum
Governor

Jon E. Litscher
Secretary

Mailing Address

149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471
Fax (608) 267-3661

State of Wisconsin
Department of Corrections

APR 23 2001

April 19, 2001

Representative Scott Walker, Chair
Committee on Corrections and the Courts
State Capitol, Room 308 North
Madison, WI

Dear Representative Walker:

Thank you for the opportunity to testify yesterday for information on Assembly Bill 197, relating to the payment of costs of persons in jails. As I stated at the hearing, the Department views its relationships with counties to be very important in providing citizens of this state with the highest degree of public safety. When offenders violate the rules of supervision, there must be consequences for their actions. Detaining probationers or parolees in a county jail may be one of those necessary options.

Historically, DOC has viewed its role as a conduit for passing through the funds that the legislature appropriates for reimbursement to counties for housing persons on probation/parole holds. The Department does not take any position on what level of funding or daily rate should be provided to the counties. However, as I mentioned at the public hearing I have some concerns about the administrative structure that this bill establishes.

First of all, AB 197 eliminates the proration of payments if the appropriation does not contain enough funds for reimbursement. I do not support the Department going to the Joint Committee on Finance on a s.13.10 request for additional funds. If the legislative intent is to fully fund this program, then the appropriation should be sum sufficient and not sum certain.

Secondly, I do not support a separate system for reimbursing medical costs. It would place a tremendous administrative burden upon the Department to audit all the medical expenses for 72 different jurisdictions. I would suggest that if the legislature wants the State to pay for medical costs a daily rate be established that reflects that intent.

I look forward to working with you on this legislation and if you have any questions please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Jon E. Litscher".

Jon E. Litscher
Secretary



Sen. Hansen

Date ?

TALKING POINTS FOR AB197/SB83

WHY WE NEED THE BILL

1. Regulations adopted by the State Legislature require counties to incarcerate inmates for a longer period of time.
2. Inmates released on probation and parole are being monitored longer, causing more returns to jail for violations.
3. Often, judges order the person released on a signature or a small cash bond, but they are not released because the state has placed a hold on the person.
4. These inmates cause the continual overcrowding of county and tribal jails.
5. Counties and tribes are not currently reimbursed the full cost of housing these inmates.

DETAILS OF THE BILL

1. The state should pay the counties for how much it costs to hold these inmates. After all, the only reason that they are being held is because the

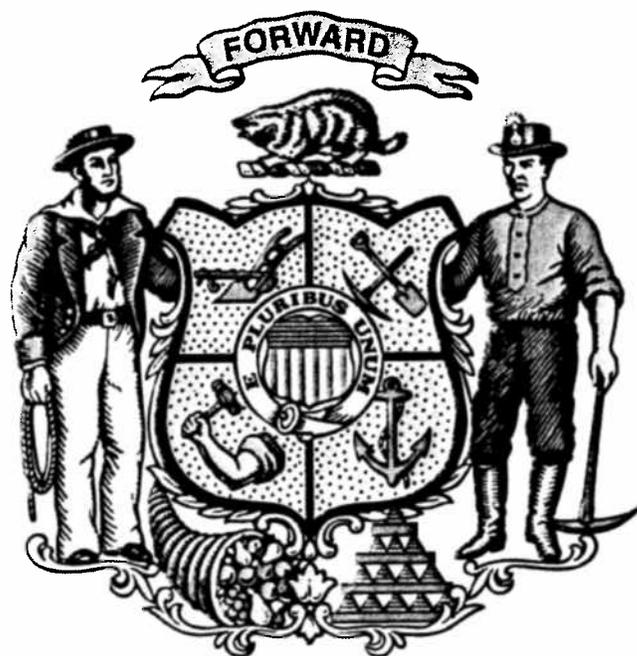
state requires it. If the state is going to use the counties as a holding tank for their inmates, then they should pay the counties the associated costs

2. This bill requires the DOC to reimburse counties at the rate of \$40 per person per day for holds placed before January 1, 2002, and \$60 per person per day after January 1, 2002.
3. This amount will be adjusted each year to reflect changes in the consumer price index, as determined by the U.S. department of labor.
4. The bill also requires the DOC to pay for the health care of these inmates.

An example of how much money counties will save --- Representative Owen's constituents in FonDuLac County had 2,575 reimbursable days in 1999-2000, according to Fiscal Bureau Informational Paper #74. DOC reimbursed the county \$96,022. That isn't even the \$40 that they were supposed to get. In any case, under AB197, FonDuLac County would be reimbursed \$154,500, plus the cost of health care, an estimated \$17,149. In all, FonDuLac County stands to save \$72,627.

This bill simply makes sense. The state can not continue to impose unfunded mandates on the counties. This simply imposes additional hardships on county taxpayers, usually in the form of ever ballooning property taxes.

Senator Dave Hansen



RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS

Sheriff Eric Rumaas
INITIATED BY



Sheriff Eric Rumaas
DRAFTED BY

Public Safety and
Justice Committee
SUBMITTED BY

February 22, 2001
DATE DRAFTED

TITLE

SUPPORTING AB-197 REQUIRING THE STATE DEPARTMENT OF CORRECTIONS
TO PAY FOR THE MAINTENANCE OF A PERSON IN THE COUNTY JAIL
AT NEW RATES WHEN THAT PERSON IS A PROBATION AND PAROLE HOLD

1 WHEREAS, under current law, the Department of Corrections is required to make payments at the
2 rate of a maximum \$40.00 per person/per day or, if the DOC has insufficient funds to pay the full
3 \$40.00, they are required to pro-rate payments for the maintenance of persons in DOC's custody
4 who are placed in the county facility on a criminal hold pending disposition of parole, extended
5 supervision, or revocation proceedings; and,
6

7 WHEREAS, AB-197, if approved and signed into law, will require that the Department of
8 Corrections pay for the maintenance, including health care, of a person in a county facility who
9 does have a pending criminal charge if the DOC places a ~~felony~~ hold on the offender because he or
10 she has violated a condition of supervision, and also increases the amount that the Department of
11 Corrections must pay to \$60 per person/per day beginning on January 1, 2002; and,
12

13 WHEREAS, it is in the best interest of the citizenry of Rock County that AB-197 be enacted into
14 law.
15

16 NOW, THEREFORE, BE IT RESOLVED, that the Rock County Board of Supervisors duly
17 assembled this 12th day of April, 2001 does herein express its support for the
18 enactment into law of the provisions contained in AB-197, and does further direct that the Rock
19 County Clerk deliver a copy of this resolution to the Rock County Legislative Delegation.

Respectfully submitted,

PUBLIC SAFETY AND JUSTICE COMMITTEE

Denn Cornford, Chair

Herb Christensen

Brian Knudson

Paul Kurtz

Peggy Reed

ADMINISTRATIVE NOTE:

Recommended.

Craig Knudson
County Administrator

FISCAL NOTE:

This resolution addresses a legislative policy issue and has no fiscal impact on Rock County operations in and by itself.

Jeffrey A. Smith
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to sec. 59.51(2), Wis. Stats.

Thomas A. Schroeder
Corporation Counsel

18197
SUPPORTING ~~LRB-18294~~ REQUIRING THE STATE DEPARTMENT OF CORRECTIONS TO PAY FOR THE MAINTENANCE OF A PERSON IN THE COUNTY JAIL AT THE NEW RATES WHEN THAT PERSON IS A PROBATION AND PAROLE HOLD
PAGE 2

COUNTY BOARD STAFF COMMITTEE

Terry G. Maybee
Terry G. Maybee, Chair

Richard K. Ott
Richard K. Ott, Vice Chair

Betty Jo Bussie *stated at meeting*
Betty Jo Bussie

Herbert Christiansen
Herbert Christiansen

Floyd Kowal
Floyd Kowal

Lewis J. Mofique
Lewis J. Mofique

Edwin L. Nash
Edwin L. Nash

Jacquelin J. Wood
Jacquelin J. Wood

Kurtis L. Yankee
Kurtis L. Yankee

Executive Summary

Resolution Supporting LRB-1829/1 - Requiring the State Department of Corrections to Pay for the Maintenance of a Person in the County Jail at New Rates When that Person is a Probation and Parole Hold

Under current law, the Department of Corrections (DOC) is required to make payments at the rate of \$40 per person per day for the maintenance of persons in DOC's custody who have been placed in a county or tribal facility pending disposition of parole, extended supervision, or revocation proceedings. If DOC has insufficient funds to pay the full \$40, current law requires DOC to prorate the payments for that fiscal year. Currently, the payments begin when the offender is detained in the county or tribal facility pursuant only to a felony hold placed on the offender by DOC and end when a final order is issued regarding the revocation process. Also under current law, DOC may not pay for a person who has a criminal charge pending in addition to the departmental felony hold. The DOC payments are limited to paying for a person whose commitment is solely because of conduct that violates the offender's supervision and that does not otherwise constitute a criminal offense.

This bill requires DOC to pay for the maintenance, including health care, of a person in a county or tribal facility who does have a pending criminal charge if DOC places a hold on the offender because he or she has violated a condition of supervision and a judge has ordered the offender released on a signature or cash bond of not more than \$500. Under the bill, DOC must pay the county or tribe from the first day that offender spends in the facility because of the felony hold after the date that the county or tribe would have released the offender on the bond. The bill also increases the amount that DOC must pay to \$60 per person per day beginning on January 1, 2002, and removes the requirement that DOC prorate the payments if funding is insufficient. The bill requires DOC to adjust the \$60 amount annually to reflect changes in the consumer price index.



RESOLUTION NO. ____-01

AB 197 folder

Request for Complete Funding of Probation and Parole Violation Inmates

WHEREAS, regulations adopted by the State Legislature require Sauk County to incarcerate inmates for longer periods of time; and,

WHEREAS, inmates released on probation and parole are being monitored for a longer time, causing their return to jail for violations of probation or parole; and,

WHEREAS, these factors cause overcrowding in our jail; and

WHEREAS, the rate of daily cost of housing these inmates is not covered in total by state reimbursements causing an additional burden on the Sauk County Jail budget; and,

WHEREAS, the full cost of housing inmates for state probation and parole violations should be paid by the state and not be an unfunded mandate paid by Sauk County taxpayers:

NOW, THEREFORE, BE IT RESOLVED, by the Sauk County Board of Supervisors met in regular session, that funding from the State of Wisconsin shall fully cover the capital cost associated with the increased use of the Sauk County Jail and the staffing costs incurred by the jail facility to safely support increased jail population; and

BE IT FURTHER RESOLVED, by the Sauk County Board of Supervisors met in regular session, that the Sauk County Clerk is directed to send a copy of this resolution to all Wisconsin counties, Governor Scott McCallum, The Secretary of the Department of Administration, the Secretary of the Department of Corrections and legislators representing constituents of Sauk County.

For consideration by the Sauk County Board of Supervisors on ~~March 29, 2001~~ / April 17, 2001

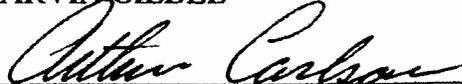
Respectfully submitted:

LAW ENFORCEMENT & JUDICIARY COMMITTEE


CHARLES MONTGOMERY, Chair


MARVIN GIEBEL


DOROTHY WILLIAMS


ARTHUR CARLSON


WILLIAM F. WENZEL

COPY

FISCAL NOTE: No direct fiscal impact. In 2000, Sauk County had approximately 1,400 probation and parole inmate prisoner days. These days were reimbursed to Sauk County by the State at about \$36 per prisoner day. When Sauk County houses prisoners at other institutions, the cost varies from \$55 to \$65 per prisoner day.



CALUMET COUNTY BOARD ROLL CALL

	AYES	NAYS	ABSENT	ABSTAIN
BALLERING	—			
BARRIBEAU	—			
BROCK		✓		
CONNORS	—			
DORN	—			
DRAHEIM		✓		
GENTZ	—			
STANKE	✓			
HOFMEISTER	—			
LAUGHRIN		—		
LEHRER	—			
LEONHARDT		✓		
MUELLER	—			
SALM	—			
SCHOLZ	—			
SCHWOBE	—			
SOMMERS	—			
SPRINGER		—		
STECKER	—			
THIEL	—			
WOLF		—		

RESOLUTION/ORDINANCE No. 2001-4

AYES 15

SESSION _____

NAYS 6

DATE Tabled _____

ABSENT _____

DATE ADOPTED 4-17-01

ABSTAIN _____

RESOLUTION 2001-4

**RESOLUTION IN SUPPORT OF COMPLETE FUNDING OF PROBATION AND
PAROLE VIOLATION INMATES AND ASSEMBLY BILL AB197**

To the Honorable Chairperson and Board of Supervisors of Calumet County, Wisconsin:

WHEREAS, Regulations adopted by the State Legislature require the County to incarcerate inmates for a longer period of time, and

WHEREAS, Inmates released on probation, parole, or extended supervision, are being monitored for a longer time, causing their return to jail for violations of said probation or parole, and

WHEREAS, Said inmates aggravate overcrowding of county jails and the daily cost of housing these inmates is not covered in total by the State, causing additional fundamental burden on the County jail budget, and

WHEREAS, Reimbursement for housing these probation and parole inmates should be at the full cost and not be an unfunded mandate required to be paid by county taxpayers, and

WHEREAS, Assembly Bill AB197 proposes reimbursement of \$60 per day to the counties to cover the costs of housing these inmates and that the Department of Corrections adjust this rate annually to reflect changes in the consumer price index, and

WHEREAS, Assembly Bill AB197 further proposes that the Department of Corrections pay for any necessary medical costs incurred by these inmates, which currently is the responsibility of the County and its taxpayers.

NOW, THEREFORE, BE IT RESOLVED By the Calumet County Board of Supervisors herein assembled, request the Governor and the Wisconsin Legislature to provide sufficient funding to support the implementation of state policies when they result in additional cost to county taxpayers for housing probation and parole violation inmates in county jails.

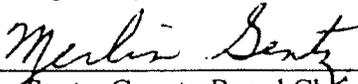
BE IT FURTHER RESOLVED That the state funding shall cover both the medical expenses and increased staffing costs incurred by a jail facility in order to safely support increased jail population.

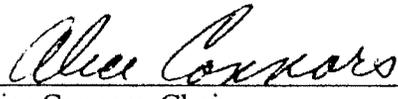
BE IT FURTHER RESOLVED That the County Clerk be directed to send a copy of this resolution to all Wisconsin Counties, Governor Scott McCallum, the Secretary of the Department of Administration, the Secretary of the Department of Corrections and Legislators representing constituents of Calumet County.

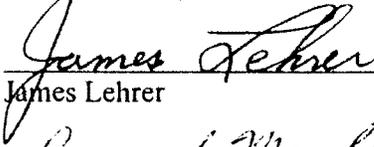
Dated this 17th Day of April, 2001.

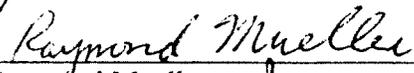
INTRODUCED BY THE PROTECTION OF PERSONS AND PROPERTY COMMITTEE

Countersigned by:

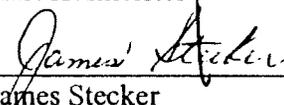

Merlin Gentz, County Board Chair


Alice Connors, Chair


James Lehrer


Raymond Mueller


Kurt Hofmeister


James Stecker



RESOLUTION # 2001-27

Title: Dally Jail and Medical Costs, State of Wisconsin

WHEREAS, regulations adopted by the State Legislature requires the Sheriff to incarcerate inmates for a longer period of time; and

WHEREAS, inmates released on probation and parole are being monitored for a longer time, causing their return to jail for violations of said probation or parole; and

WHEREAS, the above inmates cause an overcrowding of county jails and the fundamental costs of housing said inmates is not adequately covered by the State Divisions of Corrections, causing a financial burden on county jail budgets; and

WHEREAS, the total cost of housing and medical care associated with said probation and parole violators should be borne entirely by the State of Wisconsin, Division of Corrections; and

WHEREAS, the current manner of reimbursing county jails for probation and parole violators is clearly inadequate, under-funded, and results in an un-funded mandate to the taxpayers of all Wisconsin counties;

NOW, THEREFORE, BE IT RESOLVED by the Vernon County Board of Supervisors that the Governor and Wisconsin State Legislature begin sufficient funding and reimbursement to all Wisconsin Counties in support of the housing and medical care of probation and parole violators; and

BE IT FURTHER RESOLVED by the Vernon County Board of Supervisors that the Governor and State Legislature begin sufficient funding to cover all capital costs, including staffing, associated with the increased use of county jails and the housing of inmates for the Division of Corrections.

Dated: April 17, 2001

AB 197
Folder

Eugene Loeffler
Eugene Loeffler, District #1

Richard Lenz
Richard Lenz, District #2

JoAnn Nickelatti
JoAnn Nickelatti, District #3

Brenda Markiewicz
Brenda Markiewicz, District #4

John Ostrem
John Ostrem, District #5

Richard Hansen
Richard Hansen, District #6

Arthur Anderson
Arthur Anderson, District #7

Lee Nerison
Lee Nerison, District #8

Melanie Role
Melanie Role, District #9

Robert Johnson
Robert Johnson, District #10

Dean Warren
Dean Warren, District #11

Donald Jefson
Donald Jefson, District #12

Olivia Primmer
Olivia Primmer, District #13

Layton Thompson
Layton Thompson, District #14

Peggy Krambs
Peggy Krambs, District #15

George E. Nettum
George E. Nettum, District #16

ABSENT
Loren Gronning, District #17

Marv McNeal
Marv McNeal, District #18

Wonne Bolstad
Wonne Bolstad, District #19

Judy Wilmes
Judy Wilmes, District #20

Norman Yttri
Norman Yttri, District #21

ABSENT
Robert Kelbel, District #22

Jill Parr
Jill Parr, District #23

Jack Robinson
Jack Robinson, District #24

Avanelle Major
Avanelle Major, District #25

Phyllis Burch
Phyllis Burch, District #26

Harry Baller
Harry Baller, District #27

Lawrence Kouba
Lawrence Kouba, District #28

Ervin Novacheck
Ervin Novacheck, District #29

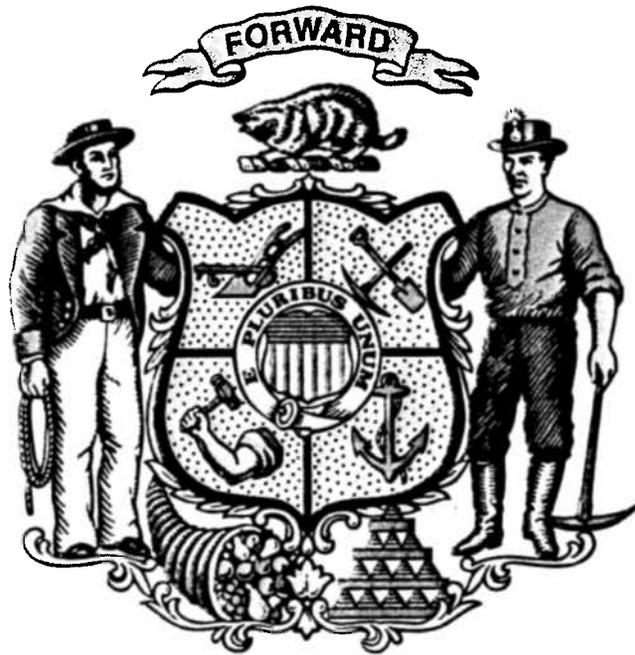
STATE OF WISCONSIN
COUNTY OF VERNON

I, Sharon A. Solverson, County Clerk of Vernon County do hereby certify that the attached document is a true and correct copy of the original resolution required by law to be in my custody and approved by the Vernon County Board of Supervisors at a meeting held April 17, 2001.

Dated: April 17, 2001

(seat)

Sharon A. Solverson
Sharon A. Solverson, Vernon County Clerk



DIVISION OF COMMUNITY CORRECTIONS

Historical Summary of Statutory P&P Holds

AB 197
folder

date
?

Fiscal Year June 30	Reimbursed Daily Rate	TOTALS	
		Payments	Days
1987	\$16.92	\$399,938	23,637
1988	\$15.09	\$449,893	29,814
1989	\$13.68	\$449,963	32,892
1990	\$20.30	\$700,000	34,486
1991	\$36.00	\$1,036,944	28,804
1992	\$27.21	\$1,330,700	48,904
1993(6 mos)	\$36.00	\$1,013,616	28,156
1993(6 mos)	\$38.22	\$1,114,184	29,149
1994	\$37.43	\$2,564,600	68,510
1995	\$36.36	\$3,164,000	87,016
1996	\$40.00	\$3,613,800	90,345
1997	\$40.00	\$3,797,280	94,932
1998	\$38.97	\$4,019,756	103,150
1999	\$40.00	\$3,732,640	93,316
2000	\$37.29	\$4,018,930	107,775